

2009 Study

ROUTING AND TRANSMITTAL SLIP Date
3 November 1989

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Director Of Information Technology		
2.		
3.		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

#1. FOR ACTION

Please prepare appropriate response for DCI's signature VIA the DDA

SUSPENSE: 13 November 1989

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
EXA/DDA	
	Phone No.

5041-102
* U.S. GPO: 1988 - 241-174

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

**EXECUTIVE SECRETARIAT
ROUTING SLIP**

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	EXDIR				
4	D/ICS				
5	DDI				
6	DDA	X			
7	DDO		X		
8	DDS&T				
9	Chm/NIC				
10	GC		X		
11	IG				
12	Compt				
13	D/OCA				
14	D/PAO		X		
15	D/PERS				
16	D/Ex Staff				
17	D/OIT		X		
18	C/History Staff		X		
19					
20					
21					
22					

DD/A REGISTRY
FILE: Rem-3-AK

SUSPENSE _____
Date _____

Remarks To 6: Please draft and coordinate response for DCI's signature. Perhaps designation of a focal point officer to pursue this issue would be appropriate for a initial reply.

ER 89-4483

Executive Secretary
30 Oct 89

Date

3637 (10-81)

STAT
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National Archives



Washington, DC 20408



OCT 25 1990

Honorable William Webster
 Director of Central Intelligence
 Central Intelligence Agency
 Washington, DC 20505

Dear Mr. Webster:

As you know, we are entering the period of the fifty year anniversary of World War II. In the past months, the media have extensively covered the events at the beginning of the war. We have every reason to believe that this interest will continue over the next six years.

Given the critical role the Office of Strategic Services played in the war, I am sure that increasing numbers of researchers will want to explore the OSS records here in the National Archives. To use the records effectively, particularly the records of the Research and Analysis Branch, researchers must have recourse to the massive card files that accompany the records. The danger of disarrangement in card files is always great, and the National Archives is interested in beginning a major effort to film the card files.

The history of access to the index cards is rather lengthy and complicated. From the time of the cards' transfer to the Archives by the State Department in 1951 until about 1974 prospective researchers submitted requests for access to the cards and documents to the State Department. To the best of our knowledge, no U.S. citizen was ever denied access. All notes taken from the cards and documents were sent by the National Archives to the State Department for a determination on release of information. This procedure was in accordance with provisions of the then operative Executive Order on classification. This rather cumbersome procedure eventually led the Archives to seek a review of the classification of the cards. Because the Central Intelligence Agency is the successor in interest to the OSS, on September 13, 1972, Deputy Archivist James E. O'Neill wrote to William Colby, Director of the Central Intelligence Agency, asking for declassification review. CIA reviewers examined the Research and Analysis Branch records between December 1972 and September 1974. Because of the large volume of index cards, CIA conducted declassification review by

2

sampling. The index cards were then made available to the general public in 1974 based, apparently, on an unwritten understanding between the CIA and the Archives that researchers are permitted to look at the index cards and copy the card file numbers, but are not allowed to have a copy of the card itself nor take notes from it. Numerous researchers, from all over the world, have done so, reading the cards and carrying away in their heads whatever information they had been able to absorb and retain.

During the years since the Archives accessioned the card files and began giving "no copy can be made" access, substantial Freedom of Information Act case law has developed which addresses this very issue. Current case law holds that access, in terms of the Act, includes both seeing the information and obtaining a copy of it. We have concluded that we cannot sustain a policy that denies researchers a copy of records they are permitted to see.

After reviewing this situation it appears to me that we have only two alternatives to "legalize" our access procedures and bring them into conformity with current FOIA law and the current Executive Order. The first alternative would be for us to notify you that as of a certain date, say, January 1, 1990, the National Archives will begin to permit researchers to obtain copies of the cards if they wish to do so. At the same time the National Archives would also begin planning to reproduce the cards on microfilm, with the object of retiring the original cards from research room use and making the index available as a microfilm publication.

The second alternative would be to reclassify the records. The Director of the Records Declassification Division informs me that at least one CIA employee believes that the card files contain classified information. If so, CIA must determine whether the risk is serious enough to warrant an official reclassification action, with notice to the Information Security Oversight Office. I sincerely hope you will not find such action necessary, both because of the resources it would take to manage such a process and because of the great turmoil it would cause in a research community that has used these cards for nearly thirty years, both before and after their official accessioning by the National Archives.

If you would like to designate a person or persons to visit the Archives and examine the card files we would be most happy to make any necessary arrangements. Perhaps there are other

3

alternatives to resolving the issue that your people might propose that could also be considered. Looking beyond this particular hurdle, I look forward to cooperating with the CIA on various projects during the commemoration of World War II.

Sincerely,

A handwritten signature in black ink, appearing to read "Don W. Wilson". The signature is fluid and cursive, with a prominent loop at the beginning and a long, sweeping tail.

DON W. WILSON
Archivist of the United States